

## REMARKS

Claims 1-38 remain pending in the present application. Claims 9, 10, 27, 29, 31 and 32 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

### REJECTION UNDER 35 U.S.C. §102(b)

The Examiner has rejected Claims 1-7, 9-12, 17-29, 31-33 and 38 under 35 U.S.C. §102(b) alleging them to be anticipated by Peetz (WO 01/66899). The Examiner alleges that the Peetz reference discloses Applicant's invention.

Applicant would like to draw the Examiner's attention to U.S. Patent No. 6,742,610 B2 which is the U.S. patent corresponding to the WIPO publication.

Claim 1 defines, among other elements, a central chiseling dome with a pair of cutting edges extending radially outwardly from the chiseling dome. Each cutting edge has a trailing relief face and an acute angle between the relief face and the longitudinal axis of the tool varies from a radially inner portion to a radially outer end of each cutting edge.

The Peetz reference cited by the Examiner fails to disclose or suggest Applicant's invention. Peetz illustrates a cutting plate 22. The cutting plate 22 includes a chisel edge defined by the intersection of flanks 33, 33', and 33''. There is no dome section as claimed by Applicant. Further, there is no mention or discussion in Peetz of the relief face angle varying from the radially inner portion to the radially outer end of the cutting edge. Thus, Peetz fails to disclose these features of Applicant's invention.

Thus, by lacking these features, Peetz would not be an anticipatory reference under 35 U.S.C. §102(b).

Accordingly, independent Claim 1, as well as dependent Claims 2-21, are patentably distinct over the Peetz reference.

Independent Claim 22 defines, among other elements, a first axially extending channel which is concave and extends axially rearward from a forward face of the drilling head. Also, the second axial extending channel is concave and extends axially rearwardly from the forward face.

The Examiner indicates that elements marked as 34 and 35, in the Peetz reference, shows these features. Elements 34 and 35 of the Peetz reference, as best seen in Fig. 1B, illustrate surfaces which are angled with respect to the longitudinal axis to define a convex conical surface. These are not concave surfaces as claimed by Applicant. In fact, by having a convex conical surface, Peetz teaches the direct opposite of the concave surfaces claimed by Applicant. Accordingly, Applicant believes Claim 22 to be patentably distinct over the Peetz reference. Likewise, Claims 22-38, which depend from Claim 22, are patentably distinct over the art cited by the Examiner.

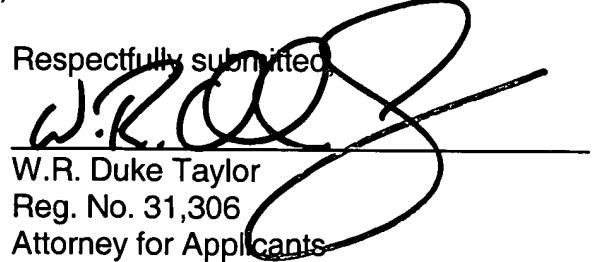
### **REJECTION UNDER 35 U.S.C. §103**

The Examiner rejects Claims 13-15 and 34-36 under 35 U.S.C. §103(a) as being unpatentable over Peetz in view of Rumpp et al. (U.S. Patent No. 5,265,688).

The Rumpp et al. reference cited by the Examiner fails to overcome the deficiencies of the Peetz reference. Accordingly, the combination cited by the Examiner would fail to disclose or suggest Claims 13-15 as well as 34-36. Thus, Applicant believes these claims to be patentably distinct over the Examiner's combination.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at her earliest possible convenience. Should the Examiner have any questions regarding the present application, she should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

  
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